

REMARKS

On August 2, 2002, a Preliminary Amendment was filed to add a claim to the benefit of a prior-filed U.S. non-provisional application Serial No. 09/862,424, filed May 23, 2001. The previously-filed Preliminary Amendment was timely filed in accordance with 37 C.F.R. 1.78(a)(2)(ii). Specifically, that amendment was filed prior to September 23, 2002, sixteen months from the filing date to which priority is claimed. Accordingly, it is submitted that no fee is due nor is a Petition for Acceptance of an Unintentionally Delayed Claim for Priority under 37 C.F.R. 1.78(a)(3) necessary.

During a recent review of the file and the Preliminary Amendment filed in August 2002, it was discovered that the proposed change had included an incorporation by reference of the prior-filed application and, therefore could be deemed improper under 35 U.S.C. §132(a) and MPEP §201.06(c). The present Preliminary Amendment (Revised) is now being submitted to correct this error. It is asserted that Applicants' claim to priority of the earlier-filed application was timely submitted in the Preliminary Amendment of August 2002 and that this Preliminary Amendment (Revised) is being filed solely to delete the erroneous incorporation by reference. Applicants respectfully request that the foregoing amendment to the specification be entered as a timely claim of priority to the earlier-filed application.

Upon entry of this Amendment, Applicants respectfully request that a new filing receipt be issued to reflect the additional priority data. Filed herewith is a Request for Corrected Filing Receipt with a marked up copy of the Filing Receipt showing the requested changes.

If Applicants are mistaken regarding the necessity of filing a Petition, or the Examiner believes that there are any issues that can be resolved via a telephone conference, he or she is invited to contact the undersigned using the contact information provided below.

Dated: 16 July 2023

Respectfully submitted,



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